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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/520,910	03/07/2000	Koichi Matsuda	SONY-T0291	9309

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ART UNIT	PAPER NUMBER
2142	12

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Please find below and/or attached an Office communication concerning this application or proceeding.

1

		Application No	Applicant(s)
Office Action Summary		09/520,910	MATSUDA ET AL.
		Examiner	Art Unit
		Chau Nguyen	2142

-- The MAILING DATE of this communication appears on the cover sheet with th correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **3** MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _03 April 2003_ .

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application. .

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-11_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)	4)☐ Interview Summary (PTO-413) Paper No(s). _____ .
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5)☐ Notice of Informal Patent Application (PTO-152)
3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6)☐ Other: .

DETAILED ACTION

1.   Amendment A, received on 04/03/2003, has been entered.   Claims 1-11 are

presented for examination.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was
> made.

3.   Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Morse et al. (Morse) and Matsui et al. (Matsui) as discussed in claims 1, 3, 5, 7, 9, and

11 above, and further in view of Falacara et al. (Falacara), Patent No. 6,377,263.

4.   As to claim 1, Morse discloses an information processing system in which:

        a server (col. 2, lines 15-22 and Fig. 1);

        a network (col. 2, lines 15-22 and Fig. 1);

plural terminals each configured to be connected to the server via the network (col. 2, lines 15-22 and Fig. 1: clients 130 are connected to a server computer 140 via a network);

wherein the server provides data defining a virtual community space accessible from each of the terminals (col. 3, line 14 – col. 4, line 43: server computer 140 includes a data structure for each object in the virtual world and the server 140 maintains a list of all oracles (terminals) and acolytes (terminals) on duty, so when another avatar (terminal) pages an oracle or an acolyte, server 140 selects an oracle or acolyte from the list and sends an appropriate message to the respective terminal),

wherein each of the terminals provides virtual living object based upon user input and to provide message or data to the server via the network (col. 2, lines 23-63: in a virtual world, avatars 180 can interact with each other under the control of users 120 by controlling their respective avatars 180, and each user 120 can control its avatar 180 by issuing commands via the keyboard and/or mouse of client 130); and

wherein the server determines at least some movements for each virtual living object in the virtual community space based on the movement interpretation node received from each terminal (col. 5, lines 12-17: user selects one of three options, a message then is sent to server 140 to set the supervisory powers of avatar 180).

However, Morse does not disclose a management node for the virtual living object in the virtual community space is provided at the server. In the same field of endeavor, Matsui discloses the data management computer 200 (server) comprises a

communication processing unit 211 (a management node) which receives information

from the network NW and sends out information to the network NW (col. 4, lines 29-52

and col. 11, lines 9-26).

Since Matsui teaches a virtual space communication system including plural

client computers manipulated by individual users and a host computer are connected

through a network, which is similar to a computer system including computers

interconnected by a network creates a virtual world in which computer users can

interact with each other of Morse, it would have been obvious to one of ordinary skills in

the art at the time the invention was made to combine the teachings of Morse and

Matsui to include a management node for the virtual living object in the virtual

community space at the server. Matsui teaches that the management computer 200

manages the property data of the objects changed on the basis of the manipulation

input at each client computer, thereby allowing the user of each client sharing the virtual

space to communicate through the behavior of the objects in the virtual space.

However, Morse and Matsui do not teach a movement interpretation node

configured to set forth parameters needed for interpretation of the movement of a virtual

living object. In the same field of endeavor, Falacara teaches software modules (a

movement interpretation node) are attributes, rules, and parameters that may be used

to affect the basic visual appearance and behavior of a component (virtual living object)

(Abstract). Since Falacara discloses a system and method for creating a virtual reality,

which is similar to virtual space communication of Morse and Matsui, it would have been

obvious to one of ordinary skills in the art at the time the invention was made to combine the teachings of Morse-Matsui and Falacara to includes a parameter indicative of at least the structure of the living object. Falacara suggests that using a parameter to establish an initiate state for each virtual reality object instantiated in the virtual world.

5.   As to claims 2, 6, and 10, Morse, Matsui, and Falacara disclose wherein the movement interpretation node parameters include at least a parameter indicative of a structure of the virtual living object (Falacara, Abstract).

the management node for the virtual living object manages at least the action of the virtual living object in the virtual community space based on the movement interpretation node parameters (Matsui, col. 4, lines 29-52 and col. 11, lines 9-26).

6.   As to claim 3, Morse, Matsui, and Falacara disclose an information processing method comprising the steps of:

building a virtual living object at a terminal (Morse, col. 2, lines 45-53);

determining a movement interpretation node setting forth at least some parameters needed fro interpretation of at least some of the movements of the associated virtual living object at the terminal (Matsui, col. 4, lines 29-52 and col. 11, lines 9-26 and Falacara, Abstract);

connecting the terminal to a server via a network (Morse, col. 2, lines 15-22);

building a virtual community space based on information supplied from the server (Matsui, Abstract); and

transmitting the virtual living object along with the associated movement interpretation node to the server to at least in part manage movement of the associated virtual living object in the virtual community space (Morse, col. 2, lines 23-63).

7.   As to claims 4 and 8, Mores, Matsui, and Falacara disclose wherein the at least some parameters needed for interpretation of at least some of the movements of the associated virtual living object of the movement interpretation node include a parameter indicative of at least a structure of the virtual living object (Falacara, Abstract and col. 10, lines 38-57).

8.   As to claims 5, 7, and 9, Morse, Matsui, and Falacara disclose an information processing method comprising the steps of:

connecting a server to a terminal via a network (Morse, col. 2, lines 15-22);

receiving data over the network from the terminal indicating a virtual living object built by the terminal and a movement interpretation node setting forth at least some parameters needed for interpretation of at least some of the movements of the virtual living object node (Morse, col. 2, lines 15-53; Matsui, col. 11, lines 31-51; Falacara, Abstract); and

generating a management node for determining at least one movement of the virtual living object in a virtual community space based on the movement interpretation node being received (Matsui, col. 4, lines 29-52 and col. 11, lines 9-26).

9.   As to claim 11, Morse, Matsui, and Falacara disclose an information serving

medium for serving a computer program comprising the steps of:

interpreting at least the structure of a virtual living object built as a one which can

be provided in a virtual community space (Matsui, col. 4, lines 29-45; Morse, col. 2, lines

15-53 and Fig. 1);

communicating with a master managing mechanism which manages the virtual

living object in the virtual community space (Matsui, Abstract); and

moving the built life object based on data generated by the master managing

mechanism to control at least the action of the virtual living object (Morse, col. 3, line 14

– col. 4, line 43).

Response to Arguments

In the remarks, Applicants argued in substance that

(A) Prior arts do not teach or suggest the generation of the claimed movement interpretation node that will define at least one aspect of the movement of the virtual living object of that terminal.

As to point (A), Falacara teaches software modules (a movement interpretation node) are attributes, rules, and parameters that may be used to affect the basic visual appearance and behavior of a component (virtual living object) (Abstract).

(B) Prior arts do not teach or suggest a server is to provide a management node that will use interpretation node data to actually manage the movement of a virtual living object in a virtual community space.

As to point (B), Matsui discloses the data management computer 200 (server) comprises a communication processing unit 211 (a management node) which receives information from the network NW and sends out information to the network NW (col. 4, lines 29-52 and col. 11, lines 9-26). Matsui also discloses the data management computer 200 (including a communication processing unit 211) manages the VRML

(Virtual Reality Modeling Language) file expressing a virtual space and transfers the

VRML file to each client computer 200 though the network (Abstract).

10.   Applicant's arguments and amendments filed on 04/07/2003 have been fully

considered but they are not deemed fully persuasive.   Applicant's arguments with

respect to claims 1-11 have been considered but are moot in view of the new ground(s)

of rejection as explained above.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau Nguyen whose telephone number is (703) 305-4639. The examiner can normally be reached at 8:00 am – 5:00 pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Powell can be reached on (703) 305-9703. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3230.

Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20131

Or Faxed to:

(703) 746-7239, (for **formal communications**; please mark

"EXPEDITE PROCEDURE").

Or:

(703) 746-7240 (for **informal or draft communications**, please label

"PROPOSED" or "DRAFT").

Or:

(703) 746-7238 (for **After Final Communications**).

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal

Drive, Arlington, VA., Sixth Floor (Receptionist).

Chau Nguyen
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